



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,014	03/15/2001	Takashi Toyofuku	Q61679	4593

7590 10/08/2004
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
Suite 800
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3213

EXAMINER

EVANISKO, LESLIE J

ART UNIT	PAPER NUMBER
----------	--------------

2854

DATE MAILED: 10/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Ak

Office Action Summary	Application No. 09/808,014	Applicant(s) TOYOFUKU, TAKASHI	
	Examiner Leslie J. Evanisko	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 1-21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

EX-PARTE QUAYLE ACTION

1. This application is in condition for allowance except for the following formal matters:

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: reference numerals 204, 206, 208, and 210 in Figure 1 and reference numerals 208, 210, and FL in Figure 3 have not been described in the specification.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing

figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. Figure 10B should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because of the following informalities: There are several instances in the specification where brackets have been used. However, brackets are used in reissue and amendment practice to indicate deleted subject matter, therefore, the use of brackets in the specification may lead to confusion when the application is printed. To correct this problem, it is suggested that the brackets on page 18, line 1 and page 29, line 15 be deleted from the specification.

Appropriate correction and/or clarification is required.

Claim Objections

6. Claims 1-21 are objected to because of the following informalities:

With respect to claim 1, it is suggested that the term “a recording material” in line 2 be deleted and replaced with --the recording material-- since the recording material was previously recited in line 1.

With respect to each of the dependent claims 2-4, 6-10, 12-16, and 18-21, it is suggested that the term “A” at the beginning of each claim be deleted and replaced with --The-- since the method or device was previously recited in the respective parent claim.

With respect to claim 5, it is suggested that the term “a recording material” in lines 4-5 be deleted and replaced with --the recording material-- since the recording material was previously recited in lines 1-2. Note a similar change should be made to claim 11, line 2 and claim 17, line 4.

With respect to claim 6, the phrase “the process for working the recording material” has no proper antecedent basis since the process for working the material was not previously recited. To correct this problem, it is suggested that the term “the process” from the above phrase be deleted and replaced with --a process--.

With respect to claim 17, the term “the predetermined transfer rate” in line 18 has no proper antecedent basis since no transfer rate was previously recited. To correct this problem, it is suggested that the phrase --at a

predetermined transfer rate-- be inserted after "data" in line 3. Additionally, it is suggested that the colon at the end of line 3 be changed to a semicolon.

Finally, in line 18, it is suggested that the term "temporary stop" be deleted and replaced with --the temporary stopping-- to use less awkward claim language.

Appropriate correction and/or clarification is required.

Allowable Subject Matter

7. Claims 1-21 are objected to for the reasons set forth above, but would be allowable if rewritten to overcome the above objections to the satisfaction of the Examiner.

8. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach or fairly suggest a method or device for conveying a recording material having all of the method steps (or structure) as recited, in combination with and particularly including, transferring print data and conveying the recording material, wherein the conveyance of the recording material is controlled (by temporarily stopping and restarting conveying of the material) according to the calculations based upon the amount of print data which has or has not been transferred as specifically recited.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nishida (US 6,715,422) and Rombult et al. (US 5,992,324) each teach a plate conveying method and apparatus having obvious similarities to the claimed subject matter, though neither teaches nor renders obvious the exact method or device as specifically recited in the claims. See the above reasons for allowance for details.


10. Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Leslie J. Evanisko** whose telephone number is **(571) 272-2161**. The examiner can normally be reached on M-Th 7:30 am-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Leslie J. Evanisko
Primary Examiner
Art Unit 2854

lje
October 7, 2004